REMARKS

<u>Overview of the Office Action</u>

Claims 1 and 9 have been objected to for various informalities.

Claims 1-4 and 6-9 have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S.

Patent No. 6,505,215 ("Kruglikov") in view of U.S. Patent No. 6,824,064 ("Guthery '64"), and

further in view of U.S. Patent No. 6,676,022 ("Guthery '22"),.

<u>Status of the claims</u>

Claims 2-4 and 6-8 have been amended.

Claim 5 has been previously canceled.

Claims 1 and 9 have now been canceled.

Claims 10-12 have been newly added.

Claims 2-4, 6-8, and 10-12 are now pending, with claims 10 and 12 being independent.

<u>Objections to claims 1 and 9</u>

The Office Action states that the preambles of claims 1 and 9 recite "A method" and

should recite "A computer-implemented method". Claims 1 and 9 have been canceled, and this

objection is now moot.

<u>Rejection of claims 1-4 and 6-9 under 35 USC §103(a)</u>

The Office Action states that the combination of Kruglikov, Guthery '64, and Guthery

'22 teaches all of Applicants' recited elements. Applicants disagree.

Independent claim 1 has been canceled. New independent claim 10 has been added and

recites a computer-implemented method for synchronizing, through a network, a first database that is stored in a mobile first data processing system or in a security token coupled for communication with the mobile first data processing system, and a second database stored in a second data processing system. The recited method includes the steps of loading an application into the security token coupled to the mobile first data processing system, the application being operable to request that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy; executing the loaded application in the security token; receiving, by the application, messages or events that occur in the mobile first data processing system or in the network; in response to the messages or events received and in accordance with the synchronization policy, concluding or not by the application, whether a synchronization of the first and second databases is needed, and if a synchronization is needed, transmitting, by the application, a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, the command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases; and initiating, by the mobile first data processing system, the synchronization process of the first and second databases in response to receiving the command. Support for new independent claim 10 can be found in original claim 1 and in paragraphs [0031]-[0033] of Applicants' published specification.

Kruglikov, Guthery '64 and Guthery '22, whether taken alone or in combination, fail to teach or suggest a computer-implemented method for synchronizing, through a network, a first database that is stored in a mobile first data processing system or in a security token coupled for communication with the mobile first data processing system, and a second database stored in a

second data processing system, where the method includes, "loading an application into the security token coupled to the mobile first data processing system, the application being operable to request that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy", "receiving, by the application, messages or events that occur in the mobile first data processing system or in the network", and "in response to the messages or events received and in accordance with the synchronization policy, concluding or not by the application, whether a synchronization of the first and second databases is needed, and if a synchronization is needed, transmitting, by the application, a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, said command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases", as recited in Applicants' new claim 10.

Applicants' recited invention is concerned with the synchronization of a database contained in a mobile equipment such as a mobile phone (i.e. the mobile first data processing system) with a database contained in a network operator server (i.e. the second data processing system).

The problem tackled by the recited invention is the need and ability to start the synchronization process according to a policy defined by a network operator in a context where the operator does not have the opportunity or access to implement a new application in the mobile equipment or to configure an already existing synchronization application that may be implemented in the mobile equipment.

There exist many types and varieties of mobile equipment, such as mobile phones, where the applications that can be executed by the mobile equipment can only be implemented and

configured by the mobile equipment manufacturer, which is typically only one of many such manufacturers - each of which independently designs and constructs its mobile equipment for use by any of many different operators/networks that employ different and distinct applications and functionality. Thus, such mobile equipment is designed to be used in connection with different networks operated by different operators. Thus, the mobile equipment manufacturers are typically reluctant to install on their devices applications designed to work with only one specific network operator. Indeed, this would oblige the various mobile equipment manufacturers to design each mobile device for a specific network operator, which is inefficient and costly and, therefore, not a goal of the mobile equipment manufacturers.

Applicants' recited invention solves the above-described problem by loading a typically operator or network-supplied application into a security token -- such for example as a SIM card -- that is coupled to a mobile device/equipment, where the application is operable to request that the mobile equipment start a synchronization process between a database stored in the mobile equipment and a database stored in a remote network operator server in accordance with a specific operator synchronization policy. The loaded application is executed in the security token, and receives messages or events that occur in the mobile equipment or in the network. In response to such messages or events it receives and in accordance with the synchronization policy, the loaded application determines whether or not a synchronization of the two databases is needed. If the loaded application determines that a synchronization is needed, the loaded application transmits a command to the mobile equipment that informs the mobile equipment that a new synchronization is requested. Then, in response to the command, the mobile equipment initiates a synchronization of the two databases.

Using Applicants' recited method, the synchronization policy and parameters, which are

specific to a particular network operator, are implemented in the security token that is coupled to the mobile equipment. Thus, the program to process the synchronization can be implemented in the mobile equipment; that synchronization processing program can be the same for every network operator. Accordingly, by virtue of the present invention it is possible to have mobile equipment, which is the same for every network operator, apply a specific network operator-designed synchronization policy.

Kruglikov discloses a method and system for synchronizing two different computer systems (e.g., a personal computer system and a portable computer system) supporting multiple synchronization techniques (see col. 1, lines 39-41 of Kruglikov). Kruglikov teaches that the portable computer system is loaded with multiple synchronization transport modules. An application on the portable computer system of Kruglikov is executed, causing the application to automatically recognize the multiple synchronization transport modules. The portable computer system receives from the remote system a selection identifying one of the multiple stored synchronization transport modules, and the portable computer system of Kruglikov then synchronizes with the other computer system using that selected synchronization transport module (see Abstract of Kruglikov).

The Examiner concedes that Kruglikov fails to teach or suggest a first data processing system that includes a security token, that an application is loaded on the security token, and that a command is executed in the security token. Consequently, Kruglikov also fails to teach or suggest that the application loaded on the security token requests that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy (i.e., that the security token instructs the handset to perform a synchronization step), as recited in Applicants' claim 10.

Kruglikov also fails to teach or suggest "receiving, by the application [on the security token], messages or events that occur in the mobile first data processing system or in the network" and "in response to the messages or events received and in accordance with the synchronization policy, concluding or not by the application, whether a synchronization of the first and second databases is needed, and if a synchronization is needed, transmitting, by the application, a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, said command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases", all as recited in Applicants' new claim 10. Kruglikov additionally fails to teach or suggest that the first database can be stored in the security token, as further recited in Applicants' claim 10.

Guthery '64 discloses a smart card that is capable of storing and executing a plurality of applications. The smart card of Guthery '64 includes memory that is logically partitioned into a plurality of memory blocks. A control program allocates one or more of the memory blocks of Guthery '64 to one of the applications based on a declaration from the application of its memory needs, and schedules the applications for execution. Only those applications on the smart card of Guthery '64 whose memory needs have been satisfied are scheduled. The control program of Guthery '64 receives a permission request packet from a host, addressed to an application, and passes the permission request packet to the application. When the control program of Guthery '064 receives a permission packet from the addressed application after the addressed application has had its declared memory needs satisfied, the control program sends the permission packet to the host. A virtual machine is used to execute one or more of the applications of Guthery '064 (see Abstract and col. 3, lines 41-48 of Guthery '64).

The Examiner concedes that Guthery '64 fails to teach or suggest executing a command in the security token. Guthery '64 also fails to teach or suggest that the data sent from the smart card to the host includes information about synchronization parameters for use in synchronizing content of first and second databases, and that the application stored on the security token is able to request that a mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy, as recited in Applicants' claim 10.

The Examiner cites col. 4, lines 41-64 Guthery '22 as teaching the executing of a command on a security token. The cited passages of Guthery '22 teach that a SIM card can be made capable of transmitting a proactive command to a terminal device using the SIM application toolkit.

However, there is nothing in Guthery '22 that teaches or suggests that an application on a SIM card is able to request that a mobile first data processing system start a synchronization process of a first database with a second database according to a synchronization policy, or that the proactive command is or might be a command to a mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, and that the command provides the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases, all as recited in Applicants' claim 10.

Therefore, Kruglikov, Guthery '64 and Guthery '22, whether taken alone or in combination, fail to teach or suggest a computer-implemented method for synchronizing, through a network, a first database that is stored in a mobile first data processing system or in a security token coupled for communication with the mobile first data processing system, and a

second database stored in a second data processing system, where the method includes, "loading an application into the security token coupled to the mobile first data processing system, the application being operable to request that the mobile first data processing system start a synchronization process of the first database with the second database according to a synchronization policy", "receiving, by the application, messages or events that occur in the mobile first data processing system or in the network", and "in response to the messages or events received and in accordance with the synchronization policy, concluding or not by the application, whether a synchronization of the first and second databases is needed, and if a synchronization is needed, transmitting, by the application, a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, said command providing the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases", as recited in Applicants' new claim 10.

Furthermore, the Examiner's preferred combination of Kruglikov, Guthery '64 and Guthery '22 is improper because there is in fact absolutely no motivation, absent Applicants' teachings, to combine these references in the manner suggested by the Examiner. Applicants' recited invention is directed to a situation in which a user of a mobile device must synchronize a first database on the mobile device with a second, remote database to which the user has no access. The application that facilitates this synchronization of the first and second databases is stored and executed on a security token that is supplied and controlled by the entity that also controls the second database. In practice, Applicants' security token may by way of example include a subscription related application that is provided by a service provider or network operator.

In contrast, Kruglikov teaches the synchronizing of two different computers that are both owned by or accessible to a single user. Thus, according to the teachings of Kruglikov, new synchronization applications can be easily implemented and configured on the portable computer. In contrast, the problem solved by Applicants' recited invention, which is to synchronize two databases that are not both accessible to the user, is of no concern or is not a consideration of Kruglikov.

In view of the above, there is no absolutely reason or motivation in the cited art to use a security token, which includes an application that is under a separate entity's control, to synchronize the two computers of Kruglikov based on instructions received from such separate entity. When a user of the computers of Kruglikov wishes to synchronize the two computers, he or she simply proceeds and does so at his or her convenience.

Moreover, as pointed out above, both Guthery '64 and Guthery '22 fail to teach or suggest that an application on the SIM card is operable to request a mobile first data processing system to start a synchronization process of a first database with a second database according to a synchronization policy, or that the proactive command is a command to the mobile first data processing system that informs the mobile first data processing system that a new synchronization is requested, and that the command provides the mobile first data processing system with information about synchronization parameters for use in synchronizing content of the first and second databases, all as recited in Applicants' claim 10.

Consequently, even if one skilled in the art were to artificially combine the teachings of Kruglikov, Guthery '64 and Guthery '22, the resulting system would still not result in Applicants' recited invention.

Instead, such combination would simply provide a method of synchronizing two

computers, both accessible or owned by the same user, where a portable one of the computers includes a SIM card that is capable of executing some command.

Combining these references does <u>not</u> result in a portable computer that includes a SIM card which includes an application that is under a separate entity's control to synchronize a first database that is owned by or accessible to the user with a second database that is not owned by, accessible to, or controlled by the user.

Independent claim 9 has been canceled. New independent claim 12 has been added and recites limitations similar to claim 10 and is, therefore, deemed to be patentably distinct over Kruglikov, Guthery '064 and Guthery '022 for at least those reasons discussed above with respect to independent claim 10. Support for newly added claim 12 can be found in original claim 9 and in paragraphs [0031]-[0033] of Applicants' published specification.

In view of the foregoing, it is clear that Kruglikov, Guthery '064 and Guthery '022, whether taken alone or in combination, fail to teach or suggest the subject matter now recited in independent claims 10 and 12. Accordingly, claims 10 and 12 are deemed to be patentable over Kruglikov, Guthery '064 and Guthery '022 under 35 U.S.C. §103(a).

Dependent claims

Claims 2-4 and 6-8, which depend from independent claim 10, incorporate all of the limitations of independent claim 10 and are, therefore, deemed to be patentably distinct over Kruglikov, Guthery '064 and Guthery '022 for at least those reasons discussed above with respect to independent claim 10.

Dependent claim 11 has been newly added. Support for claim 11 can be found in paragraphs [0034]-[0044] of Applicants' specification.
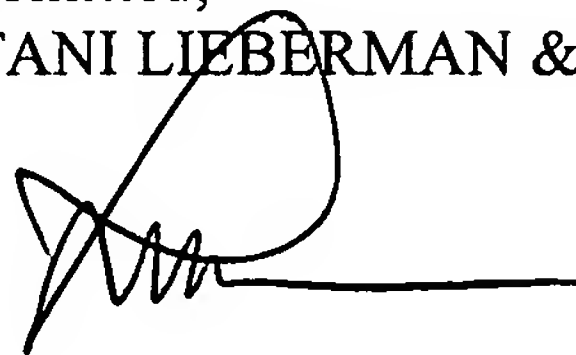
Claim 11, which depends from independent claim 10, incorporates all of the limitations of independent claim 10 and is, therefore, deemed to be patentably distinct over Kruglikov, Guthery '064 and Guthery '022 for at least those reasons discussed above with respect to independent claim 10.

Conclusion

In view of the foregoing, reconsideration and withdrawal of all rejections, and allowance of all pending claims, are respectfully solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By _____
Lance J. Lieberman
Reg. No. 28,437
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: October 8, 2008